

Appendix A

Title V Program Evaluation Questionnaire

September 20, 2005

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A. Title V Permit Preparation and Content

1. What % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve quality of applications if this % was low?

Very few, if any applications were complete on initial submittal. WDNR created an electronic application that identified required fields and forms and prepared an instruction booklet. The applications for renewal permits are better, but some follow-up is still needed.

Y ☐ N ☒

2. For those title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit?

Sources are required to update the operation permits or applications as changes are made. Permit reviewers ask about additional changes when initiating a review nonetheless.

Y ☐ N ☒

a. Do you require a new compliance certification?

Y ☒ N ☐

3. Do you verify that the source is in compliance before a permit is issued and if so, how?

By including the compliance engineer in the review process. WDNR uses the most recent inspection data, or FCE.

Y ☒ N ☐

a. In cases where the facility is out of compliance, are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained?

Y ☐ N ☐

4. What have you done over the years to improve your permit writing and processing time?

WDNR hired IBM to evaluate their systems and implemented some of their recommendations, such as regional approval of permit documents. WDNR also conducted several internal reviews of their practices and implemented other changes, such as standardized permit templates and language, electronic guidance systems and monthly program meetings.

Y ☒ N ☐

5. Do you have a process for quality assuring your permits before issuance? Please explain.

WDNR has supervisory, peer and compliance review steps in the permit issuance process.

6. Do you utilize any streamlining strategies in preparing the permit such as:

Y ☐ N ☒

a. Incorporating test methods, major and minor New Source Review permits, MACT's, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain.

WDNR finds that they create a more user friendly document when the requirements are listed in the permit.

Y ☒ N ☐

b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe.

WDNR follows USEPA's White Paper 2 guidance in this area. (Taking multiple compliance demonstrations and multiple requirements, and streamlining into the most stringent.)

c. Describe any other streamlining efforts.

WDNR has initiated an Air Permit Improvement Initiative (APII) that is looking for ways to improve nearly all aspects of the air program. Workgroups formed under APII are working to find alternatives to traditional permits, streamline permits, combine some permits, and provide additional exemptions from permits. APII workgroups are also working to update and combine WDNR's electronic databases for permitting, compliance, billing, etc. Prior to APII, WDNR had developed electronic documents and files, and standard permit language.

7. What do you believe are the strengths and weaknesses of the format of the permits (i.e. length, readability, facilitates compliance certifications, etc.)? Why?

WDNR has highly detailed permits that describe the compliance monitoring necessary to assess compliance. The permit format provides for a pollutant discussion for each process that ensures that monitoring gaps are not created. This has been very helpful for compliance staff, however the approach provides for a less user friendly document on the plant floor side as much of the operational requirements must be located to determine operational methods.

8. How do you fulfill the requirement for a statement of basis? Please provide examples.

WDNR prepares a detailed review document that discusses the steps and conclusions that were made in preparing the permit. This review includes a description of the source (significant and insignificant units), emission profile, applicable requirements, ambient air quality analysis, compliance monitoring and compliance determination requirements.

9. Does the statement of basis¹ explain:

Y ☒ N ☐ a. the rationale for monitoring (whether based on the underlying standard or monitoring added in the permit)?
WDNR provides more of a rationale for how compliance will be demonstrated.

Y ☒ N ☐ b. applicability and exemptions, if any?

Y ☒ N ☐ c. streamlining (if applicable)?

Y ☒ N ☐ 10. Do you provide training and/or guidance to your permit writers on the content of the statement of basis?

11. Do any of the following affect your ability to issue timely initial title V permits:

Y ☐ N ☒ a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions)

Y ☐ N ☒ b. Pending revisions to underlying NSR permits

Y ☒ N ☐ c. Compliance/enforcement issues
WDNR knows that placeholder language can be used, but most sources would rather wait until the problem is worked out because they don't want a compliance plan or schedule in the permit.

Y ☒ N ☐ d. EPA rule promulgation awaited (MACT, NSPS, etc.)
Sometimes WDNR has waited, and they know they don't have to and can use placeholder language. However, sometime its determined to be better to include all of the requirements when the permit is issued so that it is complete and doesn't have to be reopened.

Y ☒ N ☐ e. Issues with EPA on interpretation of underlying applicable requirements
A couple of times.

Y ☒ N ☐ f. Permit renewals and permit modification (i.e., competing

¹ The Statement of Basis sets forth the legal and factual basis for the permit as required by 70.7(a)(5). The permitting authority might use another name for this document such as Technical Support Document, Determination of Compliance, Fact Sheet.

priorities)

Y ☒ N ☐

g. Awaiting EPA guidance

i. If yes, what type of guidance?

Phase 2 8-hour ozone, and source specific questions such as for Appleton Coated (which is still awaiting an NSR review permit.)

Y ☒ N ☐

ii. If yes, have you communicated this to EPA?

A. If yes, how did you request the guidance?

Letter and conference calls, e-mail.

If yes, please specify what type of EPA guidance, and how you requested the guidance

Note: If yes to any of the above, please explain.

12. Any additional comments on permit preparation or content?

No

B. General Permits (GP)

Y ☒ N ☐ 1. Do you issue general permits?

a. If no, go to next section

b. If yes, list the source categories and/or emission units covered by general permits.

WI has general FESOPS (facility wide permits) for Nonmettalic mineral processing plants. WI also has unit specific general permits for small heating units, hospital sterilizers, (these are state operation permits that went through a full title v type review process.) WI is also working on a general permit for printing presses.

Y ☒ N ☐ 2. In your agency, can a title V source be subject to multiple general permits and/or a general permit and a standard "site-specific" Title V permit?

Yes, see above, can do it with a unit specific permit, but mostly just incorporate these conditions into the title v permit.

a. What percentage of your title V sources have one or more general permits have more than one general permit?

Less than 5%

Y ☒ N ☐ 3. Do the general permits receive public notice in accordance with 70.7(h)?

a. How does the public or regulated community know what general permits have been written? (E.g., are the general permits posted on a website, available upon request, published somewhere?)

Public notice as Class I newspaper notice, website posting, and stakeholder meetings.

4. Is the 5 year permit expiration date based :

Y ☒ N ☐ a. on the date the general permit is issued?

Y ☐ N ☒ b. on the date you issue the authorization for the source to operate under the general permit?

The General Operating Permit is valid for 5 years. These follow a general schedule, not each sources' issue date.

5. Any additional comments on general permits?

No

C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3) and 70.6(c)(1)) if monitoring is not specified in the underlying standard or CAM?

By using input from their compliance staff, and by using a permit format that requires monitoring, a compliance demonstration, and testing/recordkeeping for each permit requirement. Additionally, WI's operation permit rules, NR 407 have gap fill language, and NR 439 requires specific monitoring (such as the monitoring for a baghouse.)

Y ☐ N ☒

a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance.

WDNR has a training manual but no formal guidance.

Y ☒ N ☐

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

Y ☒ N ☐

3. How often do you “add” monitoring not required by underlying requirements?

Approximately 33% of the time.

Have you seen any effects of the monitoring in your permits such as better source compliance?

WDNR has seen more complaining by sources that its too burdensome. With NR 439, WDNR points to the rule, but with gap filling its harder for WDNR to justify their rationale and be consistent. Sources compare themselves with each other, and this is also done case by case.

Y ☒ N ☐

4. Are you incorporating CAM monitoring into your permits?

In permit renewals and reopenings where necessary.

D. Public Participation and Affected State Review

Public Notification Process

- Y ☒ N ☐ 1. Do you publish notices on proposed title V permits in a newspaper of general circulation?
The notice goes into the paper with the widest circulation in the area of the source.
- Y ☐ N ☒ 2. Do you use a state publication designed to give general public notice?
WDNR posts their permits on their webpage and tracks the date when the public notice period begins..
3. On average, how much does it cost to publish a public notice in the newspaper (or state publication)?
\$50 to \$800 (per publication) depending on the city.
- Y ☒ N ☐ 4. Have you published a notice for one permit in more than one paper?
- a. If so, how many times have you used multiple notices for a permit?
Very few, only if significant changes have occurred as a result of comments.
- b. How do you determine which publications to use?
Newspaper with widest circulation in the area of the source.
- b. What cost-effective approaches have you utilized for public publication?
WDNR can't do much as the publication format is specified by state statute. However WDNR is looking for ways to shorten the content of the notice and still provide meaningful information.
- Y ☒ N ☐ 5. Have you developed a mailing list of people you think might be interested in title V permits you propose? [e.g., public officials, concerned environmentalists, citizens]
Yes, however those on the list are primarily required by statute.
- a. How does a person get on the list?
Simply asks the WDNR to be included on the list. All such requests are granted.

b. How does the list get updated?

By individuals requesting either to be included on or deleted from the list. Political office holders are referred to by title, instead of name, so that post election updates are not necessary.

c. How long is the list maintained for a particular source?

Indefinitely

d. What do you send to those on the mailing list?

A copy of the notice that appears in the newspaper.

Y ☒ N ☐

6. Aside from publications described above, do you use other means of public notification? If yes, what are they (e.g., post notices on your webpage, e-mail)?

Notices published on our web site. Occasionally a public hearing will be held.

Y ☐ N ☒

7. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes?

Y ☒ N ☐

8. Do your public notices clearly state when the public comment period begins and ends?

9. What is your opinion on the most effective avenues for public notice?

News releases and outreach groups. Problem is that these are resource intensive and thus not utilized to a productive means.

Y ☐ N ☒

a. Are the approaches you use for public notice effective?

Y ☐ N ☒

10. Do you provide notices in languages besides English? Please list.

Public Comments

Y ☒ N ☐

11. Have you ever been asked by the public to extend a public comment period?

Y ☒ N ☐

a. If yes, did you normally grant them?

b. If not, what would be the reason(s)?

Y ☒ N ☐

12. Has the public ever suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? Describe.

The public has mentioned accessibility and readability as issues related to WDNR's public notices. Although these requests are

infrequent.

Y ☒ N ☐

13. Do you provide the public a copy of the statement of basis if they request it? If no, explain.

14. What percentage of your permits have received public comments?
Less than 10%

Y ☐ N ☒

15. Over the years, has there been an increase in the number of public comments you receive on title V permits? Is there any pattern to types of sources getting comments?

Y ☐ N ☒

16. Have you noticed any trends in the type of comments you have received? Please explain.

a. What percentage of your permits change due to public comments?

Less than 5%, which is about half of those that receive comments.

Y ☐ N ☒

17. Have specific communities (e.g., environmental justice communities) been active in commenting on permits?

Y ☐ N ☒

18. Do your rules require that any change to the draft permit be re-proposed for public comment?

a. If not, what type of changes would require you to re-propose (and re-notice) a permit for comment?

Only those that would result in a significant revision to the permit if the change were evaluated as if being made to an issued permit.

EPA 45-day Review

Y ☒ N ☐

19. Do you have an arrangement with the EPA region for its 45-day review to start at the same time the 30-day public review starts? What could cause the EPA 45-day review period to restart (i.e., if public comments received, etc)?

Yes, WDNR and USEPA have an MOA to this effect. However, the actual proposed permit doesn't go to USEPA until the 30 day draft period is over, so its essentially more of an expedited 45 day review, upon request, for certain permits. Per the agreement USEPA can decline the request for any reason and utilize the entire 45 days.

a. How does the public know if EPA's review is concurrent?

The public's deadline for petitioning is the same. They wouldn't know unless looked at permit file because the request to expedite is included in the file, but not tracked on the website since the draft and petition dates aren't affected.

- Y ☒ N ☐ 20. Is this concurrent review process memorialized in your rules, a MOA or some other arrangement?

Permittee Comments

- Y ☒ N ☐ 21. Do you work with the permittees prior to public notice?

- Y ☒ N ☐ 22. Do permittees provide comments/corrections on the permit during the public comment period? Any trends in the type of comments? How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit?

***Mostly in the area of compliance monitoring and reporting.
Occasionally on applicability of limits.***

Public Hearings

23. What triggers a public hearing on a title V permit?

A request of an individual that would be affected by the issuance of the permit. The bar is pretty low, as usually any request for hearing is granted provided its timely.

- Y ☒ N ☐ c. Do you ever plan the public hearing yourself, in anticipation of public interest?

However this is done more often on the NSR side of the program.

Availability of Public Information

- Y ☒ N ☐ 24. Do you charge the public for copies of permit-related documents?

However exceptions can be made for individuals.

If yes, what is the cost per page? ***10 cents***

- Y ☒ N ☐ a. Are there exceptions to this cost (e.g., the draft permit requested during the public comment period, or for non-profit organizations)?

WDNR may provide individual citizens copies without charge, but will charge organizations regardless of whether they are not-for-profit or not. (This is not a rule, but a policy. This is because a citizen may not have web access, but most organizations do. Also its very rare to have a citizen requesting paper copy.)

Y ☒ N ☐

b. Do your title V permit fees cover this cost? If not, why not?

25. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis) especially during the public comment period?
The draft permit and statement of basis are on the web and can also be obtained at the local public library. Deviation reports and other compliance related materials can be viewed at either the local or central office.

Y ☒ N ☐

a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Explain.

Yes, the public notice lists all locations where the documents are available, as well as the permit engineer contact.

26. How long does it take to respond to requests for information for permits in the public comment period?
Depends on the nature of the comments. usually about a day.

Y ☒ N ☐

27. Have you ever extended your public comment period as a result of information requests?

a. Where is this information stored?

Its stored electronically, for example, public comments are included in the permit file, whether received hard copy or electronic. WDNR doesn't usually extend the public comment, unless there is a public hearing, so that those people could send comments.

Y ☒ N ☐

b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits?

Sometimes, but not significantly

Y ☒ N ☐

c. Have you ever extended the public comment period because of a request for a public hearing?

Y ☒ N ☐

28. Do you have a website for the public to get permit-related documents?

Yes, the file includes the public notice, the preliminary determination (statement of basis) the draft, proposed, and issued permits. Sometimes, WI will also include the title v application, any response to comments documents, letters to or from the facility regarding the permit, or calculations. The webpage also contains some tracking data, such as date draft permit is available for review, etc.

a. What is available online?

See above.

b. How often is the website updated? Is there information on how the public can be involved?

It's updated twice a week. The web site contains some general information on involvement. The individual documents provide more detailed information.

Y ☒ N ☐

29. Have other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe.

WDNR is testing a public notice version that is intended to be written in "plainer" English.

Y ☒ N ☐

30. Do you have a process for notifying the public as to when the 60-day citizen petition period starts? If yes, please describe.

This date is tracked on WDNR's permit web site.

Y ☐ N ☒

31. Do you have any resources available to the public on public participation (booklets, pamphlets, webpages) ?

No but under APII WDNR has a public participation workgroup and is working on improving this, and having more meaningful public involvement.

Y ☐ N ☒

32. Do you provide training to citizens on public participation or on title V?

Y ☒ N ☐

33. Do you have staff dedicated to public participation, relations, or liaison?

a. Where are they in the organization?

Bureau of Communication and Education

b. What is their primary function?

Preparation of news releases and speaking points for controversial permits.

Affected State Review and Review by Indian Tribes

34. How do you notify affected States of draft permits?

Mail the public notice to the state contact.

a. How do you determine what States qualify as “affected States” for your draft permits?

Any state that is within 50 miles of the boarder of the county that the source is located within.

35. How do you notify tribes of draft permits?

Mail the public notice, same as with affected states. Only affected tribes within the area, not every tribe for every permit. WDNR has a list of affected entities (local, tribe, state, etc. for each county.)

36. What percentage of your permits get comments from affected States? from Tribes?

Minimal if any, less than 1%. WDNR can't recall a comment from an affected state or tribe.

37. Is there any pattern to the type of draft permit that gets affected State/ Tribal comment? Are there common themes in comments from affected States or Tribes?

No comments, so no pattern.

38. Suggestions to improve your notification process?

The APII workgroup is working on making the information in the notice more meaningful (less “legalese”) and possibly doing a news or press release in addition to the newspaper notice, because the average citizen does not read the legal notices.

Any additional comments and public notification?

No

E. Permit Issuance / Revision / Renewal

Initial Permit Issuance

- Y ☒ N ☐ 1. If not all initial permits have been issued, do you have a plan to ensure your permits are issued in a reasonable timeframe? If not, what can EPA do to help?
All initials are issued.

Permit Revisions

2. Did you follow your regulations on how to process permit modifications based on a list or description of what changes can qualify for:

- Y ☒ N ☐ a. Administrative amendment? (See § 70.7(d)(vi))
- Y ☒ N ☐ b. §502(b)(10) changes? (See §70.4(b)(12))
- Y ☒ N ☐ c. Significant and/or minor permit modification? (See §70.7(e))
- Y ☐ N ☒ d. Group processing of minor modifications?

(WDNR is working on changes to item a and c to better mirror Part 70.)

- Y ☐ N ☐ 3. If the EPA Regional office has formally asked you to re-open a permit, were you able to provide EPA with a proposed determination within 90 days? (40 CFR 70.7(g)(2)).
If not, why not?
This has not occurred.

4. For those permits that have been issued, and where the permitted facility has undergone a change, how many changes to the title V permit have you processed? _____

a. What percentage of changes at the facilities are processed as:

i. Significant ***Greater than 80%***

ii. Minor ***Less than 5%***

iii. Administrative ***About 15%***

b. Of all changes that you have, how many (or what percentages) were:

i. Off-permit ***WI has this in its rules, but has not used it, WI may start to use this in the future***

ii. 502(b)(10) ***WI will just use the title v significant revision process***

5. How many days, on average, does it take to process (from application receipt to final permit amendment):

a. a significant permit revision? ***120 days***

b. a minor revision? ***90 days***

c. an administrative revision? ***5 days***

Y ☒ N ☐

6. Have you taken longer than the part 70 timeframes of 18 months for significant revision, 90 days for minor permit revisions and 60 days for administrative? Explain.

Yes, WDNR has a backlog of significant permit revisions. Competing priorities is a main reason for delays.

7. What have you done to streamline the issuance of revisions?

WDNR is working on rule changes, (see above) to add enhanced NSR to the title v minor modification track.

9. What process do you use to track permit revision applications moving through your system?

WDNR uses their permit tracking database and a sequential permit numbering system.

Y ☐ N ☒

9. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, off-permit change, significant or minor revision, or requires that the permit be reopened? If so, provide a copy.

WDNR just does this on a case by case basis based on the rules.

Y ☒ N ☐

10. Do you require that source applications for minor and significant permit modifications include the source's proposed changes to the permit?

Y ☒ N ☐

a. For minor modifications, do you require sources to explain their change and how it affects their applicable requirements?

Y ☒ N ☐

11. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit

modification procedures and a request that such procedures be used?

12. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts).

Usually by a narrative description and only including those revised portions in the documents which are made available for public comment. WDNR does it either way, by amendment or addendum, in the draft permit – sometimes uses a redline to identify sections changed, or sometimes with an addendum.

13. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment?

By only including those portions that are being revised in the documents made available for public comment.

Permit Renewal Or Reopening

Y ☒ N ☐

14. Have you begun to issue permit renewals?

15. What are your plans for timely issuance of the renewals?

WDNR will develop an issuance strategy similar to the one that was developed to issue the initial title v permits.

Y ☐ N ☒

16. Do you have a different application form for a permit renewal compared to that for an original application? (e.g., are your application renewal forms different from the forms for initial permits)

However, WDNR seeks only changes at the facility and allows the use of past application/permit data. WDNR asks for what is different, and references the older one. The facility has to certify the whole thing even the referenced portions.

- a. If yes, what are the differences? Are 1st time requirements (like CAM, off permit changes, etc.) in a renewal application being included in the renewal? ***Yes, CAM and off permit changes.***

Y ☒ N ☐

17. Has issuance of renewal permits been “easier” than the original permits? Explain.

Y ☐ N ☐

18. How are you implementing the permit renewal process (ie., guidance, checklist to provide to permit applicants)?

Information on their web site and letters prompting submittal of the application.

19. What % of renewal applications have you found to be timely and complete?

60% timely and growing. Local WDNR offices are following up on delinquent applications.

20. How many complete applications for renewals do you presently have in-house ready to process?

As of September 2005, WDNR has 244 title v and FESOP renewal applications in house to act on. (WI had acted on about 300 applications thus far, for a total of 544 total renewal applications received.)

Y ☒ N ☐

21. Have you been able to or plan to process these renewals within the part 70 timeframe of 18 months? If not, what can EPA do to help?

WDNR plans to complete the review in 18 months. Some have lingered to date due to competing priorities with initial issuances of title v's and FESOPs. WI is working on a schedule to address this backlog now that its title v permits are complete and after FESOPs are done. WI is monitoring this.

Y ☐ N ☒

22. Have you ever determined that an issued permit must be revised or revoked to assure compliance with the applicable requirements?

No haven't done this, not even for a compliance plan.

F. Compliance

1. Deviation reporting:

a. Which deviations do you require be reported prior to the semi-annual monitoring report? Describe.

The release of any hazardous emission as defined by state rule. See NR 445.16. It requires immediate notification. A facility shall report to the WDNR the next business day any malfunction or other unscheduled event at the source which causes any emission limit to be exceeded. A source which has been issued an operation permit shall report to the WDNR by the next business day any deviation from permit requirements. See NR 429.03(4)(a),(c).

Y ☐ N ☒

b. Do you require that some deviations be reported by telephone?

Y ☐ N ☐

c. If yes, do you require a followup written report? If yes, within what timeframe?

N/A

Y ☒ N ☐

d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified).

Yes, for any deviation report required by an operation permit.

Y ☒ N

i. Do you require all certifications at the time of submittal?

Y ☒ N

ii. If not, do you allow the responsible official to "back certify" deviation reports? If you allow the responsible official to "back certify" deviation reports, what timeframe do you allow for the followup certifications (e.g., within 30 days; at the time of the semi-annual deviation reporting)?

Occasionally, "back certifying" may occur. On the average 60 days.

2. How does your program define deviation?

WI has no state rule defining "deviation". The use of the term deviation is based on Part 70. In short, a deviation is any variation from any permit condition or term. Guidance on what a deviation is, is found on page 7, item 6 in the document, "Instructions for Completion of the Air Operation Permit Compliance Certification (WDNR Example Format)". (See attachment 3.)

Y ☐ N ☐

a. Do you require only violations of permit terms to be reported as

deviations?

Only violation of a permit term or condition should be reported as a deviation.

b. Which of the following do you require to be reported as a deviation (Check all that apply):

- | | | | | |
|---|-------------------------------------|---|---|---|
| Y | <input type="checkbox"/> | N | i. excess emissions excused due to emergencies (pursuant to 70.6(g)) | |
| | | | N/A | |
| Y | <input type="checkbox"/> | N | ii. excess emissions excused due to SIP provisions (cite the specific state rule) | |
| | | | Yes, NR 436.03. | |
| Y | <input checked="" type="checkbox"/> | N | iii. excess emissions allowed under NSPS or MACT SSM provisions? | |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | iv. excursions from specified parameter ranges where such excursions are not a monitoring violation (as defined in CAM) |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | v. excursions from specified parameter ranges where such excursions are credible evidence of an emission violation |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | vi. failure to collect data/conduct monitoring where such failure is "excused": |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | A. during scheduled routine maintenance or calibration checks |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | B. where less than 100% data collection is allowed by the permit |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | C. due to an emergency |
| Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> | vii. Other? Describe. |

3. Do your deviation reports include:

- | | | | | |
|---|-------------------------------------|---|--------------------------|---|
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | a. the probable cause of the deviation? |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | b. any corrective actions taken? |
| Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | c. the magnitude and duration of the deviation? |

Y ☒ N ☐

4. Do you define "prompt" reporting of deviations as more frequent than semi-annual?

NR 436.03(4)(a) & (c) require next day reporting

Y ☒ N ☐

5. Do you require a written report for deviations?

WI has developed an example format for deviation reports.

Y ☒ N ☐

6. Do you require that a responsible official certify all deviation reports?

7. What is your procedure for reviewing and following up on:

a. deviation reports?

b. semi-annual monitoring reports?

c. annual compliance certifications?

For a, b, and c: Deviation reports, semi-annual monitoring reports, and annual compliance reports are sent to the Regional home office of the compliance engineer who is responsible for the facility of concern. The responsible compliance engineer reviews these reports and if appropriate enters information concerning the annual compliance certifications into the Air Management's Compliance Database, known as the Wisconsin Air Compliance Database. The Air Management Program has developed enforcement guidance pertaining to failure to submit compliance certifications. See attachment 4, "Implementation of Enforcement Procedures for Permit Violations Pertaining to the Failure to Submit Compliance Certifications". EPA's High Priority Violator policy is followed in regard to violations noted in the deviation report.

8. What percentage of the following reports do you review?

a. deviation reports

b. semi-annual monitoring reports

c. annual compliance certification

Compliance staff are expected to review all reports.

9. Compliance certifications

Y ☒ N ☐

a. Have you developed a compliance certification form? If no, go to question 7.

Y ☒ N ☐

i. Is the certification form consistent with your rules?

ii. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent?

Based on compliance, not compliance monitoring

Y N ☒

iii. Do you require sources to use the form? What percentage do?

Use is not required at this time; the percentage of sources that use the form is not known..

Y N

iv. Does the form account for the use of credible evidence?
Indirectly

Y ☒ N ☐

v. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists?

10. Excess emissions provisions:

Y ☐ N ☒

a. Does your program include an emergency defense provision as provided in 70.6(g)? If yes, does it:

Y ☐ ☐

i. Provide relief from penalties?

Y ☐ N ☐

ii. Provide injunctive relief?

Y ☐ N ☐

iii. Excuse noncompliance?

Y ☒ N ☐

b. Does your program include a SIP excess emissions provision? If no, go to 6.c. If yes does it:

Y ☒ N ☐

i. Provide relief from penalties?

Y ☒ N ☐

ii. Provide injunctive relief?

Y ☐ N ☒

iii. Excuse noncompliance?

c. Do you require the source to obtain a written concurrence from the PA before the source can qualify for:

Y ☐ N ☒

i. the emergency defense provision?

We do not have such a provision.

Y ☒ N ☐

ii. the SIP excess emissions provision?

Y ☒ N ☐

iii. NSPS/NESHAP SSM excess emissions provisions?

11. Is your compliance certification rule based on:

Y ☐ N ☒

a. the '97 revisions to part 70 - i.e., is the compliance certification rule based on whether the compliance monitoring method is continuous or intermittent; or:

N/A

Y ☒ N ☐

b. the '92 part 70 rule - i.e., is the compliance certification rule based on whether compliance was continuous or intermittent?

Yes, *Compliance of the facility*

12. Any additional comments on compliance?

No

G. Resources & Internal Management Support

- Y ☒ N ☐ 1. Are there any competing resource priorities for your "title V" staff in issuing Title V permits?
- a. If so, what are they?
Compliance activities mainly
2. Are there any initiatives instituted by your management that recognize/reward your permit staff for getting past barriers in implementing the title V program that you would care to share?
3. How is management kept up to date on permit issuance?
Periodic updates and performance measure reports. "Canned" tracking reports included in our tracking program.
- Y ☒ N ☐ 4. Do you meet on a regular basis to address issues and problems related to permit writing?
Yes, monthly call with region offices
- Y ☒ N ☐ 5. Do you charge Title V fees based on emission volume?
- a. If not, what is the basis for your fees?
- c. What is your Title V fee?
\$35.71 per ton, up to 5000 tons. (This was \$25 per ton in year 2000 plus CPI up to 2000 plus .86 cents)
5. How do you track title V expenses?
Within our emission inventory system. See August 2005 NOD response. (Attachment 5)
7. How do you track title V fee revenue? ***See NOD Response (Attachment 5)***
8. How many Title V permit writers does the agency have on staff (number of FTE's)?
24
- Y ☐ N ☐ 9. Do the permit writers work full time on Title V? ***Some do***
- a. If not, describe their main activities and percentage of time on title V permits.
Some split their time 50/50 with compliance activities.

b. How do you track the time allocated to Title V activities versus other non-title V activities?

Using detailed time sheet reporting. See NOD response (Attachment 5)

Y ☐ N ☒

10. Are you currently fully staffed?

WDNR has about 5 vacancies in permitting and compliance

11. What is the ratio of permits to permit writers?

60 to 1 – Title V and FESOP. 94 to 1 including natural minors

12. Describe staff turnover.

It is periodic. It was relatively stable for years, then more recently there was more turnover (lost 3 or 4 staff)

a. How does this impact permit issuance?

Loss of expertise is the program effects issuance (WDNR tends to loose more experienced staff)

b. How does the permitting authority minimize turnover?

There isn't anything to do, as WDNR cannot offer wage incentives, (It can try to give perks – but wages aren't competitive, its not the legislature as much as the union.)

Y ☐ N ☒

13. Do you have a career ladder for permit writers?

a. If so, please describe.

Its just steps, based on time worked.

Y ☐ N ☒

14. Do you have the flexibility to offer competitive salaries?

Y ☐ N ☐

15. Can you hire experienced people with commensurate salaries?

Sometimes, although difficult due to union issues

16. Describe the type of training given to your new and existing permit writers.

WDNR has a training program, (its rather old), but for operation permits it has developed a self instructional manual. The manual covers how to write permits, store documents, get examples, how to find templates and similar permits. Also, some regions offer mentoring, or other methods, but there is no central training, WDNR doesn't have a lot of staff needing training, but would like to have a least one yearly meeting with staff. If WDNR ever did hire a group of new folks at the same time, then it might have a centralized training. WDNR does have new employee orientation and in which the

employees come to the central office to see how the system works, ask question, see the process etc.

17. Does your training cover:

Y ☒ N ☐

a. how to develop periodic and/or sufficiency monitoring in permits?

Y ☒ N ☐

b. how to ensure that permit terms and conditions are enforceable as a practical matter?

Y ☒ N ☐

c. how to write a Statement of Basis?

Y ☐ N ☐

18. Is there anything that EPA can do to assist/improve your training? Please describe.

Not at this point, but WDNR would like CAM or MACT example language. Also if there is ever a major rule changes to part 70, or when the new periodic monitoring rule comes out training would be useful.

19. How has the PA organized itself to address Title V permit issuance?
The local offices are where much of the writing is conducted. The central office serves in a policy/coordination role. Permits are occasionally written in an office other than one closest to a facility due to workload or expertise.

20. Overall, what is the biggest internal roadblock to permit issuance from the prospective of Resources and Internal Management Support?
The largest internal roadblock or challenges is the sources not cooperating - sources don't want operation permits (they want the construction permits.) WDRN often has to do outreach to get the sources to submit their applications.

WDNR also addressed its resource adequacy issue through the NOD. Wages and retaining staff are also an issue. WDNR would like to increase compliance, have a more aggressive compliance approach and needs to ensure it has the resources to do so.

Environmental Justice Resources

Y ☒ N ☐

21. Do you have Environmental Justice (EJ) legislation, policy or general guidance which helps to direct permitting efforts?

If so, may EPA obtain copies of appropriate documentation?

WI has a document which mainly consists of public outreach procedures. (See Attachment 2)

Y ☐ N ☒ 22. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities?

Y ☐ N ☒ 23. Have you provided EJ training / guidance to your permit writers?

Y ☐ N ☒ 24. Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., soci-economic status, minority populations, etc.)

The WDNR does not have this but can get it through other agencies or departments. (Such as from Health and Family Services.)

Y ☐ N ☒ 25. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance.

WDNR doesn't do this unless EJ is raised as a concern. (It has only has been raised once.)

H. Title V Benefits

1. Compared to the period before you began implementing the Title V program, does the Title V staff generally have a better understanding of:

- Y ☐ N ☒ a. NSPS requirements?
- Y ☐ N ☒ b. The stationary source requirements in the SIP?
Before Title V, (and of course after Title V) the permit writer would go through the SIP to make sure all applicable requirements were in the state permit.
- Y ☐ N ☒ c. The minor NSR program?
- Y ☐ N ☒ d. The major NSR/PSD program?
- Y ☒ N ☐ e. How to design monitoring terms to assure compliance?
- Y ☒ N ☐ f. How to write enforceable permit terms?

2. Compared to the period before you began implementing the Title V program, do you have better/more complete information about:

- Y ☒ N ☐ a. Your source universe including additional sources previously unknown to you?
- Y ☒ N ☐ b. Your source operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)?
- Y ☒ N ☐ c. Your stationary source emissions inventory?
- Y ☒ N ☐ d. Applicability and more enforceable (clearer) permits?

3. In issuing the Title V permits:

- Y ☒ N ☐ a. Have you noted inconsistencies in how sources had previously been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe.
- Y ☒ N ☐ b. Have you taken (or are you taking) steps to assure better regulatory consistency within source categories and/or between sources? If yes, describe.

4. Based on your experience, estimate the frequency with which potential compliance problems were identified through the permit issuance process:

Never Occasionally Frequently Often

- | | | | | |
|---------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. prior to submitting an application | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. prior to issuing a draft permit | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. after issuing a final permit | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

5. Based on your experience with sources addressing compliance problems identified through the Title V permitting process, estimate the general rate of compliance with the following requirements prior to implementing Title V:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. NSPS requirements (including failure to identify an NSPS as applicable) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. SIP requirements | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Minor NSR requirements (including the requirement to obtain a permit) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Major NSR/PSD requirements (including the requirement to obtain a permit) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

6. What changes in compliance behavior on the part of sources have you seen in response to Title V? (Check all that apply.)

- | | |
|--|---|
| Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | a. increased use of self-audits? |
| Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | b. increased use of environmental management systems? |
| Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | c. increased staff devoted to environmental management? |
| Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | d. increased resources devoted to environmental control systems (e.g., maintenance of control equipment; installation of improved control devices; etc.)? |
| Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | e. increased resources devoted to compliance monitoring? |
| Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | f. better awareness of compliance obligations? |
| Y <input type="checkbox"/> N <input type="checkbox"/> | h. other? Describe. |

- Y ☒ N ☐ 7. Have you noted a reduction in emissions due to the Title V program?
At the beginning of the Title V program, the sources fees went up

due to emissions fees, so sources worked on getting their emissions down to lessen their costs, and sources also worked to make sure emissions were more accurately calculated.

Y ☒ N ☐

a. Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance?

Y ☒ N ☐

b. Did that lead to a change in the fee rate (dollars/ton rate)?
In 2001 The WI Legislature removed the CPI factor from the fee schedule, added a one time flat \$0.86 per ton emitted increase and also raised the emissions cap from 4000 to 5000 tons per year.

8. Has title V resulted in improved implementation of your air program in any of the following areas due to Title V:

Y ☐ N ☒

a. netting actions

Y ☒ N ☐

b. emission inventories

Y ☒ N ☐

c. past records management (e.g., lost permits)

Y ☒ N ☐

d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance)

Y ☒ N ☐

e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc.

Y ☒ N ☐

f. clarity and enforceability of NSR permit terms

Y ☐ N ☒

g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold)

Y ☐ N ☒

h. emissions trading programs

Y ☐ N ☒

i. emission caps

Y ☐ N ☐

j. other (describe)

Y ☒ N ☐

9. If yes to any of the above, would you care to share how this improvement came about? (E.g., increased training; outreach; targeted enforcement)?

With the emission inventory, the money provided an incentive for sources to pay more attention to their emissions rate, so there was better data. There was also better clarity with terms – more

enforceable terms, and better compliance data. (This data helped to set up source lists to inspect and prioritize.) Further, permits limits were written in a more practical, enforceable way

Y ☒ N ☐

10. Has Title V changed the way you conduct business?

As discussed above, the use of gap filling, better condition writing, etc., has all carried over into NSR permits, and WI's NSR permits have compliance demonstrations and MRR similar to the Title V permits. WDNR worked closely with sources prior to the Title V program, and still do.

Y ☒ N ☐

a. Are there aspects of the Title V program that you have extended to other program areas (e.g., require certification of accuracy and completeness for pre-construction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe.

NSR Permits follow same format as the Title V's, thus record retention, and more descriptive compliance monitoring is a result.

Y ☒ N ☐

b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in Title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe.

NSR permits written in same format as Title V's, so that conditions can be easily incorporated into the Title v. Thus more descriptive compliance monitoring and demonstration requirements are a result.

Y ☐ N ☒

c. Do you work more closely with the sources? If yes, describe.
We worked closely with sources in regard to their permits prior to Title V

Y ☒ N ☐

d. Do you devote more resources to public involvement? If yes, describe.

Spending resources to put documents on the web and have communication resources devoted to Title V

Y ☒ N ☐

e. Do you use information from Title V to target inspections and/or enforcement?

Y ☐ N ☐

f. Other ways? If yes, describe.

Y ☒ N ☐

11. Has the Title V fee money been helpful in running the program? Have you been able to provide:

- Y ☒ N ☐ a. better training?
- Y ☒ N ☐ b. more resources for your staff such as CFRs and computers?
- Y ☒ N ☐ c. better funding for travel to sources?
- Y ☐ N ☒ d. stable funding despite fluctuations in funding for other state programs?
- Y ☐ N ☒ e. incentives to hire and retain good staff?
- Y ☐ N ☐ f. are there other benefits of the fee program? Describe.
- Y ☐ N ☐ 12. Have you received positive feedback from citizens?
Feedback has been somewhat indifferent. Mostly in regard to a specific source.
- Y ☒ N ☐ 13. Has industry expressed a benefit of Title V? If so, describe. ***Some***
The permit format and its listing of compliance monitoring requirements. Most have raised issues in regard to level of detail and amount of monitoring that is required.
- Y ☐ N ☐ 14. Do you perceive other benefits as a result of the Title V program? If so, describe.
As described above.
- Y ☐ N ☐ 15. Other comments on benefits of title V?

The Title V program has allowed WDNR staff to gain a better understanding of a source's applicable requirements and has increased facility awareness of their compliance obligations. In the process of drafting Title V permits, WDNR has reviewed past permitting decisions, and been able to determine if any older sources or emission units were operating without the correct permit. WDNR permit writers also began writing permit limits in a more practical enforceable way, and gap filling monitoring conditions if necessary to ensure compliance.

One area in particular that has benefited from the Title V program is an increased accuracy of emissions reported. Because the Title V program created an annual emission fee, sources worked to ensure that emissions were accurately calculated and quantifiable so they weren't overpaying. Better data was now available for reporting to the emissions inventory. Some sources subject to Title V permitting also worked on reducing their emissions, or took emission restrictions to lessen their fees.

Another area that benefited from the Title V program was that WDNR received

better compliance data. This compliance data helped WDNR prioritize sources for inspections. Also, WDNR typically conducted inspections before a source's Title V permit was issued to get a better understanding of the source's operations and emissions units.

Good Practices not addressed elsewhere in this questionnaire

Are any of the practices employed that improve the quality of the permits, or other aspects of title V program that are not addressed elsewhere in this questionnaire?

EPA assistance not addressed elsewhere in this questionnaire

Is there anything else EPA can do to help your title V program?

Yes, for example, WDNR has requested national guidance on how to monitor and certify compliance for general permit conditions and insignificant emissions units. EPA has not provided any, and also not been clear as to what constitutes intermittent and continuous compliance, or what exactly constitutes a deviation or violation.

WDNR also has requested that EPA provide national implementation guidance to deal with the interface between NSR and Title V permits. (For example, on how to handle the situation where there may be conflicting permit requirements if an NSR permit is issued for a change, but the source's Title V permit has not yet been updated.) WDNR has also asked for guidance on how to implement the NSR reform changes with the Title V permit program, especially when a project does not require a permit under NSR, but may still need a permit under Title V. (For example, what modification track to use.)